

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

PRIMA EXPLORATION, INC.,

Plaintiff/Counter
Defendant,

vs.

NOVA ENERGY, LLC,

Defendant/Counter
Claimant.

CV 22-140-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

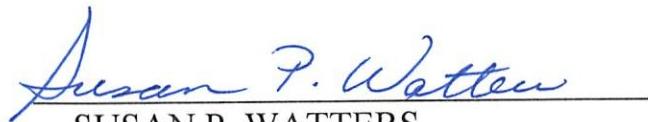
United States Magistrate Judge Timothy Cavan filed Findings and Recommendations on July 12, 2023. (Doc. 43). Judge Cavan recommended that the Court deny Plaintiff/Counter-Defendant Prima Exploration, Inc.'s Motion to Dismiss (Doc. 22) and Defendant/Counter-Claimant Nova Energy, LLC's Motion to Determine Choice of Law (Doc. 29). (Doc. 43 at 1).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by Judge Cavan (Doc. 43) are ADOPTED IN FULL. Plaintiff/Counter-Defendant Prima Exploration, Inc.’s Motion to Dismiss (Doc. 22) and Defendant/Counter-Claimant Nova Energy, LLC’s Motion to Determine Choice of Law (Doc. 29) are DENIED.

DATED this 31st day of July, 2023.



SUSAN P. WATTERS
United States District Judge